

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED, LTD. and
EDWARD FLEMING,

Defendants,

Civ. No. 05-495-JJF
Judge Joseph J. Farnan Jr.

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
ANSWER TO PLAINTIFF'S REQUEST FOR MOTION TO ADD NEW
CLAIM**

Plaintiff responds to the Defendants' answer to Plaintiff's Request for
Motion to Add New Claim as follows:

1. Plaintiff is pro se and was not aware of the requirement to submit the pleading. The pleading is submitted with the reply.
2. Plaintiff is not making new allegations, but merely CONFORMING the pleadings -- specifically the prayer for relief -- to reflect what the parties have already discussed.
3. Plaintiff merely wishes the pleadings to reflect that she is seeking all statutory remedies available under Title VII. Plaintiff is not even sure that this is an "amendment" since she is not alleging any new facts or new legal claims, but in an abundance of caution Plaintiff seeks to CONFORM the pleadings to the parties' discussions.

4. Defendant is not prejudiced because:

- (a) Defendant is already aware that plaintiff is seeking these remedies -- they have discussed same.
- (b) Defendant has had the opportunity to take discovery (and has in fact taken discovery) of facts that provide a foundation for these remedies.
- (c) Plaintiff never waived and Defendant never asked if Plaintiff had waived any remedy available to her under Title VII. To the contrary, the parties have consistently discussed them.
- (d) Defendant, therefore, cannot claim surprise or prejudice.
- (e) Since the amendment merely CONFORMS the Complaint to what the parties already know to be at issue, there need be no delay in these proceedings.

5. In conclusion, Plaintiff now has complied with the requirements of the rule and Defendant cannot demonstrate any prejudice.



Renee M. Butz
58 Hickory Drive
North East, MD 21901
(410) 441-4300
Plaintiff pro se

Dated: 9/17/07

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Response to Defendant's Answer to Plaintiff's Request for Motion to Add New Claim were sent by first-class United States mail, postage duly paid, on this 17 day of September, 2007, to
counsel of record as follows:

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58 Hickory Drive
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Plaintiff pro se

Dated: 9/17/07